



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

March 10, 2015

CALL TO ORDER

The meeting was called to order by Mayor Pro Tempore Garcia at 7:00 p.m. in the Council Chambers.

Council Members Present: Edwina Garcia, Mayor Pro Tempore; Michael Howard; Pat Elliott; and Tom Fitzhenry.

Council Member Absent: Debbie Goettel, Mayor.

Staff Present: Steven L. Devich, City Manager; John Stark, Community Development Director; Mike Eastling, Public Works Director; Jay Henthorne, Public Safety Director; Jim Topitzhofer, Recreation Services Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Chris Regis, Finance Manager; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

OPEN FORUM

Susan Rosenberg, 6633 Thomas Avenue, League of Women Voters President, announced the Forum on Mental Illness in Youth on Saturday, March 14, 2015.

Heidi Gaibor, 6914 Wentworth Avenue, acknowledged the recent death of Richfield resident, Larry Wozniczka.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Garcia led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Fitzhenry, S/Elliott to approve the minutes of the (1) Special City Council Worksession of February 17, 2015; (2) Special Planning Commission & City Council Worksession of February 23, 2015; (3) Special City Council Worksession of February 24, 2015; (4) Special City Council Meeting of February 24, 2015; (5) Regular City Council Meeting of February 24, 2015; (6) Special City Council Worksession of February 27, 2015; and (7) Special City Council Worksession of March 3, 2015.

Motion carried 4-0.

Item #1	COUNCIL DISCUSSION <ul style="list-style-type: none">Hats Off to Hometown Hits
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Mark Westergaard, 7608 Dupont Avenue, Human Rights Commission Member, spoke about having a public presentation on human trafficking.

Council Member Fitzhenry announced the March 18, 2015 Noise Oversight Committee meeting.

Item #2	COUNCIL APPROVAL OF AGENDA
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The City Council unanimously approved the agenda.

Item #3	CONSENT CALENDAR
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- A. Consideration of the approval of a resolution supporting dedicated state funding for city streets S.R. No. 34

RESOLUTION NO. 11055

**RESOLUTION SUPPORTING DEDICATED STATE FUNDING
FOR CITY STREETS**

This resolution appears as Resolution No. 11055.

- B. Consideration of the approval of an amendment to the site lease agreement at 7401 Logan Avenue South between the City of Richfield and T-Mobile Central LLC (successor-in-interest to APT Minneapolis Inc.) with regard to the location of an antenna system S.R. No. 35
- C. Consideration of the approval of a first reading of an ordinance amending the City's Zoning Code. The proposed ordinance would allow the following in the single-family residential districts: 1) construction of up to two-story garages (with conditions, and 2) construction of accessory dwelling units S.R. No. 36
- D. Consideration of the approval of a first reading of an ordinance amending the City's Zoning Code. The proposed ordinance would prohibit recreational marijuana sales outlets and marijuana production, and establish conditions related to the location and operation of medical marijuana dispensaries S.R. No. 37
- E. Consideration of the approval of a resolution authorizing acceptance of grants and donations received by the Richfield Recreation Services Department and to authorize the city to administer the funds in accordance with grant agreements and terms prescribed by donors S.R. No. 38

RESOLUTION NO. 11056

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANTS RECEIVED
BY THE CITY OF RICHFIELD-RECREATION SERVICES DEPARTMENT
AND TO AUTHORIZE THE CITY TO ADMINISTER THE FUNDS IN
ACCORDANCE WITH GRANT AGREEMENTS AND TERMS
PRESCRIBED BY DONORS**

This resolution appears as Resolution No. 11056.

M/Elliott, S/Fitzhenry to approve the Consent Calendar.

Motion carried 4-0.

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #5	PUBLIC HEARING AND SECOND READING OF TRANSITORY ORDINANCE PROVIDING FUNDING FOR CERTAIN CAPITAL IMPROVEMENTS FROM THE SPECIAL REVENUE FUND S.R. NO. 39
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Mayor Pro Tempore Garcia presented Staff Report No. 39.

City Manager Devich explained the process of liquor store profits funding most City amenities.

Brigit Johnson, 6331-13th Avenue, questioned the transitory ordinance and funding of the bandshell. She expressed her concerns regarding environmental issues of having the bandshell at Veterans Memorial Park and that there is no public support for this location.

Jan LaVictoire, 6301 York Avenue, #103, Edina, MN, stated the bandshell should not be at Veterans Memorial Park because there is no public support and there are environmental issues.

Heidi Gaibor, 6915 Wentworth Avenue, questioned the funding and the need for a bandshell at Veterans Memorial Park.

Kristine Ehlen, 6733 Columbus Avenue, stated the Veterans Memorial Park location for the bandshell is the wrong place because the park should be preserved and wildlife protected.

Terry Straub, 7430 Portland Avenue, questioned the funding for the bandshell.

Susan Myers, 6226 Fourth Avenue, stated the bandshell funding should be kept at the \$400,000 maximum.

M/Garcia, S/Fitzhenry to close the public hearing.

Motion carried 4-0.

Council Member Fitzhenry questioned removing the bandshell funding from the transitory ordinance so it could be considered separately.

City Attorney Tietjen explained it is within the City Council's authority to separate the bandshell funding from the transitory ordinance but it would require going through the ordinance process again.

City Manager Devich stated that the City Council voted on the transitory ordinance in concept at first reading.

Council Member Elliott stated that he supported the seed money for the bandshell but voted against the Veterans Memorial Park location and additional funding. If fundraising does not occur, the City funding is back in the Special Revenue Fund for other use.

City Attorney Tietjen explained the transitory ordinance provides authority to allow the expenditure but does not dictate the location or final plans for the bandshell.

Council Member Howard stated there are still bandshell project issues needing to be done.

Council Member Fitzhenry stated he did not approve the Veterans Memorial Park location for the bandshell, but would approve the transitory ordinance to move it along. He added that he reserves the right to object to funding.

Recreation Services Director Topitzhofer explained that it is not the intention of the bandshell committee to ask for additional funding. If fundraising efforts are successful, bandshell plans and specifications will come before the City Council. If fundraising is not successful, there is no project.

M/Garcia, S/Howard that this constitutes the second reading of Bill No. 2015-3, Transitory Ordinance No. 18.98 providing funding for certain capital improvements from the Special Revenue Fund, that it be published in the official newspaper and that it be made part of these minutes.

Motion carried 4-0.

Item #6	CONSIDERATION OF THE ACCEPTANCE OF THE BID MINUTES/TABULATION AND AWARD OF CONTRACT TO MCNAMARA CONTRACTING, INC. FOR THE 2015 CONCRETE SIDEWALK, CURB AND GUTTER REPAIR PROJECT IN THE AMOUNT OF \$1,043,602.30 AND AUTHORIZE THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER \$50,000 WITHOUT FURTHER COUNCIL CONSIDERATION S.R. NO. 40
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Council Member Fitzhenry presented Staff Report No. 40.

Public Works Director Eastling explained the process for determining the award of the contract.

M/Fitzhenry, S/Elliott to approve the acceptance of the bid minutes/tabulation and award of contract to McNamara Contracting, Inc. for the 2015 concrete sidewalk, curb and gutter repair project in the amount of \$1,043,602.30 and authorize the City Manager to approve contract changes under \$50,000 without further council consideration.

Motion carried 4.0.

Item #7	CONSIDERATION OF THE FOLLOWING RELATED TO THE 69TH STREET RECONSTRUCTION PROJECT: <ul style="list-style-type: none">• ACCEPT THE BID MINUTES/TABULATION AND AWARD CONTRACT TO RYAN CONTRACTING IN THE MOUNT OF \$1,541,254.30 FOR THE 69TH STREET RECONSTRUCTION PROJECT.• AUTHORIZE THE CITY MANAGER TO APPROVE CONTRACT CHANGES UNDER \$100,000 WITHOUT FURTHER CITY COUNCIL AUTHORIZATION• APPROVE HIRING WSB & ASSOCIATES TO PERFORM CONSTRUCTION ENGINEERING SERVICES FOR A FEE NOT TO EXCEED \$139,262 FOR THE 69TH STREET RECONSTRUCTION PROJECT S.R. NO. 41
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Council Member Elliott presented Staff Report No. 41.

M/Elliott, S/Fitzhenry to approve the following related to the 69th Street Reconstruction Project:

- Accept the bid minutes/tabulation and award contract to Ryan Contracting in the mount of \$1,541,254.30;
- Authorize the City Manager to approve contract changes under \$100,000 without further City Council authorization; and
- Approve hiring WSB & Associates to perform construction engineering services for a fee not to exceed \$139,262.

Motion carried 4-0.

Item #8	CITY MANAGER'S REPORT
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None.

Item #9	CLAIMS AND PAYROLLS
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M/Fitzhenry, S/Elliott that the following claims and payrolls be approved:

U.S. Bank		03/10/15
A/P Checks: 238843-239205	\$	1,490,135.68
Payroll: 108295-108622	\$	601,318.13
TOTAL	\$	2,091,453.81

Motion carried 4-0.

OPEN FORUM

None.

ADJOURNMENT

The City Council open meeting was adjourned by unanimous consent at 7:48 p.m.

Date Approved: March 24, 2015

Edwina Garcia
Mayor Pro Tempore

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager